

**ALASKA STATE LEGISLATURE  
SENATE EDUCATION STANDING COMMITTEE**

April 10, 2013

8:01 a.m.

**MEMBERS PRESENT**

Senator Gary Stevens, Chair  
Senator Mike Dunleavy, Vice Chair  
Senator Bert Stedman  
Senator Berta Gardner

**MEMBERS ABSENT**

Senator Charlie Huggins

**COMMITTEE CALENDAR**

SENATE BILL NO. 91

"An Act relating to hazing."

- MOVED CSSB 91(EDC) OUT OF COMMITTEE

SENATE BILL NO. 89

"An Act relating to education tax credits and a tax credit for gifts to the Alaska Fire Standards Council; providing for an effective date by repealing the effective dates in sec. 57, ch. 92, SLA 2010, as amended by sec. 15, ch. 7, FSSLA 2011, and in sec 32, ch. 74, SLA 2012; and providing for an effective date."

- HEARD AND HELD

SENATE BILL NO. 100

"An Act relating to correspondence study programs; and providing for an effective date."

- HEARD AND HELD

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 154(EDC)

"An Act relating to natural and cultural history repositories."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 91

SHORT TITLE: HAZING

SPONSOR(s): SENATOR(s) FAIRCLOUGH

03/29/13	(S)	READ THE FIRST TIME - REFERRALS
03/29/13	(S)	EDC, JUD
04/05/13	(S)	EDC AT 8:00 AM BELTZ 105 (TSBldg)
04/05/13	(S)	Heard & Held
04/05/13	(S)	MINUTE(EDC)
04/10/13	(S)	EDC AT 8:00 AM BELTZ 105 (TSBldg)

BILL: SB 89

SHORT TITLE: TAX CREDITS FOR EDUCATIONAL CONTRIBUTIONS

SPONSOR(s): SENATOR(s) DUNLEAVY

03/27/13	(S)	READ THE FIRST TIME - REFERRALS
03/27/13	(S)	EDC, FIN
04/10/13	(S)	EDC AT 8:00 AM BELTZ 105 (TSBldg)

BILL: SB 100

SHORT TITLE: CORRESPONDENCE STUDY PROGRAM; ALLOTMENTS

SPONSOR(s): SENATOR(s) DUNLEAVY

04/06/13	(S)	READ THE FIRST TIME - REFERRALS
04/06/13	(S)	EDC
04/10/13	(S)	EDC AT 8:00 AM BELTZ 105 (TSBldg)

BILL: HB 154

SHORT TITLE: MUSEUM OF THE NORTH

SPONSOR(s): REPRESENTATIVE(s) THOMPSON

03/04/13	(H)	READ THE FIRST TIME - REFERRALS
03/04/13	(H)	EDC
04/05/13	(H)	EDC RPT CS(EDC) NT 5DP 1NR
04/05/13	(H)	DP: SEATON, REINBOLD, DRUMMOND, LEDOUX, GATTIS
04/05/13	(H)	NR: SADDLER
04/05/13	(H)	EDC AT 8:00 AM CAPITOL 106
04/05/13	(H)	Moved CSHB 154(EDC) Out of Committee
04/05/13	(H)	MINUTE(EDC)
04/08/13	(H)	TRANSMITTED TO (S)
04/08/13	(H)	VERSION: CSHB 154(EDC)
04/09/13	(S)	READ THE FIRST TIME - REFERRALS
04/09/13	(S)	EDC
04/10/13	(S)	EDC AT 8:00 AM BELTZ 105 (TSBldg)

#### **WITNESS REGISTER**

TIM LAMKIN, Staff

Senator Gary Stevens  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced the CS for SB 91.

SENATOR ANNA FAIRCLOUGH  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As sponsor, answered questions related to SB 91.

TALLEY TEAL, Staff  
Senator Anna Fairclough  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Provided information related to SB 91.

LES MORSE, Deputy Commissioner  
Department of Education and Early Development  
Juneau, Alaska

**POSITION STATEMENT:** Spoke in support of SB 91.

EMILY SEXTON, President  
Alaska Association of Student Government  
Anchorage, Alaska

**POSITION STATEMENT:** Spoke in support of SB 91.

JEFFREY MITTMAN, Executive Director  
American Civil Liberties Union (ALCU)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 91.

CARL ROSE, Executive Director  
Association of the Alaska School Boards (AASB)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 91.

BRUCE JOHNSON, Executive Director  
Alaska Council of School Administrators (ACSA)  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of SB 91.

JOHANNA BALES, Deputy Director  
Tax Division  
Department of Revenue (DOR)  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions related to SB 89.

MIKE HANLEY, Commissioner

Department of Education and Early Development (DEED)

Juneau, Alaska

**POSITION STATEMENT:** Testified that there needs to be clarification on the fiscal note and other issues in SB 89.

REPRESENTATIVE STEVE THOMPSON

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Introduced HB 154 as sponsor of the bill.

LYNETTE BERGH, Staff

Representative Steve Thompson

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Provided information related to HB 154.

KEVIN WINKER, Chief Curator and Acting Director

University of Alaska Museum of the North

Fairbanks, Alaska

**POSITION STATEMENT:** Provided information related to HB 154.

LINDA THIBODEAU, Director

Division of Libraries, Archives, and Museums

Department of Education and Early Development (DEED)

Juneau, Alaska

**POSITION STATEMENT:** Answered questions related to HB 154.

#### **ACTION NARRATIVE**

[8:01:37 AM](#)

**CHAIR GARY STEVENS** called the Senate Education Standing Committee meeting to order at 8:01 a.m. Present at the call to order were Senators Stedman, Gardner, Dunleavy, and Chair Stevens.

[8:02:01 AM](#)

CHAIR STEVENS reviewed the committee calendar.

#### **SB 91-HAZING**

[8:02:22 AM](#)

CHAIR STEVENS announced the consideration of SB 91.

[8:02:27 AM](#)

SENATOR DUNLEAVY moved to adopt the CS for SB 91, labeled 28-LS0720\N, as the working document.

CHAIR STEVENS objected for discussion purposes.

TIM LAMKIN, Staff, Senator Gary Stevens, Alaska State Legislature, explained the changes in version N. He began with a change on page 1, line 6; language was added that is consistent with existing criminal code. It now says "substantial risk of serious physical injury." The second change is on line 9 of the original bill, where the language was changed from "normal and customary activity" to "arises from conduct reasonably expected through participation."

MR. LAMKIN related that, in response to testimony at the last hearing about a study that indicated church groups have some of the highest percentages of students involved in hazing, faith-based groups are included on page 2, lines 1 and 2.

He noted that the next change is on page 2, lines 4 and 5 of the original bill, and addresses penalties. The reference to hazing as a class B felony is removed. On page 3, line 8, the wording is changed to say "to report the results" to the appropriate committee.

He related that in version A, section 7, lines 14 to 18, deal with the recourse for failing to report hazing.

[8:07:37 AM](#)

CHAIR STEVENS clarified that was found on page 3, line 16.

MR. LAMKIN summarized the final change on page 4, line 1; the definition of hazing was changed to "an act knowingly committed." On page 4, line 5, "normal and customary" was again changed to "arises from conduct reasonably expected through participation." On line 9, "faith-based group" was again added.

[8:08:47 AM](#)

SENATOR GARDNER suggested that changing the consequences in Section 1 addresses ACLU's concerns.

[8:09:16 AM](#)

SENATOR ANNA FAIRCLOUGH, Alaska State Legislature, sponsor, answered questions related to SB 91. She related that she received the ACLU's letter late last night and she hoped the changes in the CS address their concerns.

CHAIR STEVENS noted that a representative from the ACLU would be testifying.

8:10:39 AM

SENATOR FAIRCLOUGH pointed out that when making changes to the bill, something was missed on page 3, line 17. She said it is the sponsor's intent that "failure to report results in appropriate disciplinary action by the school." The words "by the school" were inadvertently omitted by the drafter.

SENATOR GARDNER said that since the requirement applies to volunteers, she did not think the school has a role in disciplining volunteers.

CHAIR STEVENS suggested also adding religious organizations on page 3, as well.

SENATOR FAIRCLOUGH replied that the section is specific to activities at schools.

8:12:08 AM

TALLEY TEAL, Staff, Senator Anna Fairclough, Alaska State Legislature, provided information related to SB 91. She explained that the aforementioned change was requested and simply left off by the drafter.

CHAIR STEVENS stated it was an easy change and he wished to move the bill from committee today. He suggested an amendment.

SENATOR FAIRCLOUGH deferred to the committee's wishes. She said she believes a school should have some type of oversight in a facility that they are maintaining.

SENATOR GARDNER moved to adopt Conceptual Amendment 1: add "by the school" on page 3, line 17, after "disciplinary action". There being no objection, Conceptual Amendment 1 was adopted.

CHAIR STEVENS asked if the Department of Education and Early Development had any concerns or comments.

LES MORSE, Deputy Commissioner, Department of Education and Early Development, spoke in support of SB 91. He said the department does not have any issues with the changes made to the bill.

CHAIR STEVENS opened public testimony.

8:13:50 AM

EMILY SEXTON, President, Alaska Association of Student Government (AASG), testified in support of SB 91. She related that AASG believes that all students should feel safe from bullying in their schools and bullies should understand the severity of their actions.

JEFFREY MITTMAN, Executive Director, American Civil Liberties Union (ALCU), testified in support of SB 91. He thanked the sponsor for introducing the bill, noting that hazing and bullying are problems that are endemic across the country and are often targeted at the most vulnerable students. A bill that states hazing will not be tolerated in the schools is very important and will have a very positive effect.

He said he has had a chance to review the CS and it does address many of ACLU's concerns. He hoped to work with the sponsor and the next committee on any future revisions of the bill. He brought up discriminatory issues regarding the criminalization of students, but stated that is not the intention of SB 91.

8:16:40 AM

CARL ROSE, Executive Director, Association of the Alaska School Boards (AASB), testified in support of SB 91. He said AASB's mission is to advocate for children and youth, assist local school boards, and provide a quality education focus on student achievement through effective local governance. He noted an AASB belief statement that raises the priority of children and youth, their health, education, safety and welfare as AASB's top priority. He shared that hazing and bullying is "nothing short of terrorism" to a victim and should not be tolerated in schools. He pointed out that many school districts already have a bullying policy; however, including it in statute, policy, and administrative regulations is appropriate. He said he appreciates the changes in the CS. He suggested the conceptual amendment might go further to include all school-sponsored activities.

8:18:57 AM

BRUCE JOHNSON, Executive Director, Alaska Council of School Administrators (ACSA), testified in support of SB 91. He said the bill makes good sense. ACSA's goal is to provide a safe environment that protects the well-being of all young people and any hint of hazing begins to infringe on that. He said ACSA would stand behind quality implementation of the bill.

CHAIR STEVENS closed public hearing.

[8:20:08 AM](#)

SENATOR DUNLEAVY moved to report CSSB 91, 28-LS0720\N as amended, from committee with individual recommendations and attached fiscal note.

CHAIR STEVENS announced that without objection, CSSB 91(EDC) was reported from the Senate Education Committee.

[8:20:22 AM](#)

At ease

**SB 89-TAX CREDITS FOR EDUCATIONAL CONTRIBUTIONS**

[8:22:00 AM](#)

CHAIR STEVENS announced that the next order of business would be SB 89.

SENATOR DUNLEAVY, sponsor, introduced SB 89. He related that the bill amends current tax credits for educational contributions to allow for elementary and secondary profit, non-profit, and religious schools in Alaska. He referred to a list of current eligible tax credits. The purpose for the tax credit changes is to allow for tax credits for educational contributions from parents whose children attend private and religious schools. The tax credit would go to the agency or organization.

[8:24:11 AM](#)

SENATOR GARDNER asked if tuition provides a tax credit for the school.

SENATOR DUNLEAVY said no. He explained that the businesses and corporations that wish to give money to religious or private schools could receive a tax credit.

SENATOR GARDNER asked if current law already provides tax deductions for charitable giving to non-profits.

SENATOR DUNLEAVY replied that charitable giving is currently deductible at the federal level; the proposed tax credit would occur on the state level.

[8:26:14 AM](#)

SENATOR GARDNER asked about raising the tax credit limit from \$5 million to \$25 million. She wondered how many tax payers reach the \$25 million limit.



SENATOR DUNLEAVY replied that he did not have those figures.

SENATOR GARDNER inquired if tax payers might want to exceed the \$5 million limit.

SENATOR DUNLEAVY said it is his hope that charitable giving would increase.

CHAIR STEVENS suggested that the Department of Revenue address the question.

[8:27:11 AM](#)

JOHANNA BALES, Deputy Director, Tax Division, Department of Revenue (DOR), answered questions related to SB 89. She said she has not seen a single tax payer claim the \$5 million tax credit for charitable giving. In 2012, the first full year of the \$5 million maximum tax credit, 40 tax payers took an education tax credit for a total of \$6.8 million.

SENATOR GARDNER requested clarification about those numbers.

MS. BALES explained that there are six tax programs that qualify for the credit. She reiterated that 40 tax payers, in total, for all six programs, took \$6.8 million worth of credits, all within the education category.

[8:28:58 AM](#)

CHAIR STEVENS held SB 89 in committee for further review.

**SB 100-CORRESPONDENCE STUDY PROGRAM; ALLOTMENTS**

[8:29:15 AM](#)

CHAIR STEVENS announced that the next order of business would be SB 100.

SENATOR DUNLEAVY, sponsor of SB 100, pointed out that SB 100 was another bill in a series of bills (including SB 89 and SJR 9) that he had put forward, and their approaches had a relationship that he wanted to explain before talking about SB 100. He said that SB 100 is a companion bill for SJR 9. When SJR 9 was introduced, a lot of assumptions were made that it was "the voucher bill," but the fact is that SB 89 is a voucher bill. This is when children can attend a private or religious, elementary or secondary, school and have costs funded by private business.

SENATOR DUNLEAVY explained that SJR 9 will allow the current practice of everything from the Governor's scholarships to private public partnerships that the department and many school districts have; and SB 100 provides that opportunity for the home school/correspondence study programs that the state has been using for the past 10-15 years. At one point Galena created a statewide home school program that allowed families who did not want to be part of a "neighborhood school" to still be part of public education. So, the folks in Galena, and subsequently a dozen or more correspondence homeschool programs, have students in them that do not attend the neighborhood schools, but are in the public education system.

He said that some people make a delineation between public schools and public education. Public schools are the buildings and everything that happens in them; public education is an expanded concept that includes homes schools, correspondence schools, charter schools and, potentially, cyber schools, and other methods to educate kids to a public purpose and public outcome.

He said that SB 100 would be the companion concept to SJR 9; it is only two pages and addresses a child in a home correspondence school with an Individual Learning Plan (ILP) developed by a public teacher with the parent. The only difference is that the parent with the teacher can determine the "how" and an expansion of it. "In other words, it's public money and the public demands an outcome, a public purpose." Any student enrolled in this program still has to take the public assessments and be taught to public standards. The idea in SB 100 (in conjunction with SJR 9) is the "how."

He said for example, a parent could decide his child would take a Latin course at Monroe Catholic and the teacher could agree to that in the ILP. That cannot be done currently under constitutional language. SB 100, along with SJR 9, allows a parent and a teacher to develop an ILP that includes a public/private partnership concept with a public outcome. The tax credit concept [in SB 89] is totally divorced from the public education concept; those are for folks that want to go to a private school, that gets private money through tax credits, and can have a religious or some other private outcome. All of SB 100 is part of public education. Students who are proficient or better in the public outcomes don't get changed, but students who are not proficient would have their ILP modified to help them become proficient. This is an expansion of the public

education system using a public/private partnership concept, under an ILP developed between a parent and a teacher.

[8:34:56 AM](#)

SENATOR GARDNER commented that if there is a tax benefit for donors, there is an impact on the state treasury; therefore, the state has a financial investment, also. She requested clarification about the language regarding the state's not being able to impose additional requirements.

SENATOR DUNLEAVY replied that he was the administrator of a correspondence home school program. Many parents became interested in becoming a part of a public education system, but did not have enough of a say in their child's curriculum.

[8:38:24 AM](#)

SENATOR GARDNER asked for an explanation of the purpose of having a credentialed teacher as a part of the team if the teacher is prohibited from using their best judgment.

SENATOR DUNLEAVY called it a "third way" for education in Alaska. He explained that the educational needs of a proficient student are being met. If the public/private partnership is adopted there will be another way to provide education for students and expand choices.

[8:41:12 AM](#)

SENATOR GARDNER voiced concern about credentialed teachers having to sign off on coursework that does not meet their standards.

SENATOR DUNLEAVY clarified that they have to sign off on the ILP.

SENATOR GARDNER said she was referring to a new teacher coming in and saying that ILP was not adequate.

SENATOR DUNLEAVY said that was a good question, but if they are proficient by demonstrated assessments, his argument would be why anyone would want to focus on that and not support what was already working.

SENATOR GARDNER suggested that excellence should be the goal.

SENATOR DUNLEAVY replied that he would consider the suggestion.

[8:42:36 AM](#)

MIKE HANLEY, Commissioner, Department of Education and Early Development (DEED), testified that the fiscal note and other issues still needed to be clarified.

CHAIR STEVENS held SB 100 in committee.

#### **HB 154-MUSEUM OF THE NORTH**

[8:44:03 AM](#)

CHAIR STEVENS announced the consideration of HB 154. [CSHB 154(EDC) was before the committee.]

[8:44:09 AM](#)

REPRESENTATIVE STEVE THOMPSON, sponsor of HB 154, explained that it is an Act relating to natural history and cultural history repositories. The bill revises statutes governing the University of Alaska by adding a new section that designates the Museum of the North as a repository of state natural and cultural history collections and gives the university the authority to designate other repositories, as needed.

He related that the bill also defines the purpose and functions of a repository. The Museum of the North collection includes more than 1.4 million artifacts and specimens, representing millions of years of biological diversity and thousands of years of cultural traditions, as well as crucial resources for research. Designating the Museum of the North as a repository will help ensure that the historical collections remain available to researchers, students, Alaska citizens and others with an interest in natural and cultural history.

[8:45:53 AM](#)

CHAIR STEVENS asked if there were other museums in the state that might be included in the bill.

REPRESENTATIVE THOMPSON responded that it has been considered. He deferred to his staff to explain further.

[8:46:17 AM](#)

LYNETTE BERGH, Staff, Representative Steve Thompson, Alaska State Legislature, provided information related to HB 154. She said there are currently no other museums that can be designated as a repository because they do not fit the definition given in HB 154, which is very specific about the requirements.

CHAIR STEVENS asked what the requirements were.

MS. BURGH replied that museum required the following:

To qualify for designation as a repository, a facility must be a museum, archeological center, laboratory, or storage facility managed by the state, a municipal government, a tribe, or an educational or scientific institution able to provide long-term professional, systematic, accountable curatorial services.

SENATOR GARDNER asked if the bill creates this concept in statute.

MS. BURGH replied that the term repository had not been defined in statute. The Museum of the North is considered by educators and the university as a repository since it houses historical and cultural collections. To meet the federal guidelines in order to procure grants and funding, defining it as an official state repository would be necessary.

[8:48:21 AM](#)

SENATOR GARDNER stated that it is a wonderful idea. She inquired if the museum in Unalaska would qualify.

MS. BURGH explained that the statute is specific to the university system.

SENATOR GARDNER asked about page 1, line 14, where it says a facility must be managed by the state, a municipal government, a tribe, or an educational or scientific institution. She asked if that meant management, as opposed to ownership.

MS. BURRS replied that the Museum of the North is managed by the university.

SENATOR GARDNER asked if the museum in Unalaska would qualify.

MS. BURGH deferred to Mr. Winker to answer.

KEVIN WINKER, Chief Curator and Acting Director, University of Alaska Museum of the North, provided information related to HB 154. He suggested Linda Thibodeau answer Senator Gardner's question. He noted that the museum in Unalaska is not part of the university system.

[8:51:01 AM](#)

LINDA THIBODEAU, Director, Division of Libraries, Archives, and Museums, Department of Education and Early Development (DEED),

answered questions related to HB 154. She explained the bill includes university repositories only. Other repositories could be included if they met the criteria of the bill, but it would have to be through a different statute.

SENATOR GARDNER asked what the benefits of being designated a repository are. She wondered if it was just to be able to receive grants and funding.

MS. THIBODEAU deferred to the sponsor to answer. She opined that Senator Gardner was correct.

REPRESENTATIVE THOMPSON replied that the intent is to ensure that the biological and cultural items are preserved and kept available for researchers, students, and the public.

8:53:14 AM

MS. BURCH concurred with Representative Thompson. She added that as the collections continue to grow the sponsor would like to ensure that the museum is able to preserve them.

SENATOR GARDNER shared her recollection of the Sealaska Heritage Institute. She suggested being designated a repository might help them receive funding and ensure the preservation of their artifacts. She thought that other facilities might also benefit by being repositories.

CHAIR STEVENS agreed that it should be looked into.

REPRESENTATIVE THOMPSON noted that HB 154 changes the statutes governing the university. Currently, they are not able to receive grants and the legislation would change that.

CHAIR STEVENS held HB 154 in committee.

8:56:07 AM

There being no further business to come before the Senate Education Standing Committee, Chair Stevens adjourned the hearing at 8:56 a.m.